

### REMARKS

The Office examined Claims 16-23 and 27 and rejected Claims 16-23, but found that Claim 27, depending from Claim 16, includes allowable subject matter. Claims 28-30 are new. No new matter has been added.

#### Examiner's Interview

On October 9, 2007, an Examiner's Interview was conducted. The interview was conducted via telephone conference. Attendees to the interview were as follows: Examiner Kristie D. Shingles, John R. King, Ryan D. Phillips, David O. Seeley, Jim A. Retter, and Lin C. Hsu. We would like to thank the Examiner for taking the time to discuss proposed claims.

Independent Claim 16, as amended, and new independent Claims 28, 29, and 30 were discussed. Claim 16 was amended to overcome a §112, second paragraph, rejection. Newly added independent Claims 28, 29, and 30 includes the limitations of examined Claim 16 and further limitations that were provided also to overcome the §112, second paragraph, rejection to examined Claim 16. It was agreed that independent Claims 16, 28, 29, and 30 each particularly points out and distinctly claims the subject matter which the Applicant regards as his invention. Specifically, Examiner Shingles agreed that Claims 16, 28, 29, and 30 each overcome any §112, second paragraph, rejection. Examiner Shingles also agreed that the independent Claims 16, 28, 29, and 30, each recites distinctive limitations. As such, it was agreed that each of Claims 16, 28, 29, and 30 is in a condition for allowance, pending any further action by Examiner Shingles.

#### Allowable Subject Matter

Applicant wishes to thank the Examiner for the indication on page 3 of the present Office Action that Claim 27 would be allowable if rewritten in independent form including the limitations of its base claim and any intervening claims. Applicant has herein amended Claim 27, in independent form, to include the limitations of Claim 16. Hence, Applicant respectfully submits that Claim 27 is allowable.

**Rejection under 35 U.S.C. §112**

The present Office Action rejected Claims 16-23 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. It was advised that Applicant “incorporate claim limitation(s) [such as those of claim 27] that describe how the steps of associating a machine fingerprint and transaction identification string relate to monitoring for fraudulent transactions.”

With this paper, independent Claim 16 is amended to include as a limitation a step of monitoring for possible fraudulent transactions based at least in part on the machine fingerprint. As previously discussed in the Examiner’s Interview, it was agreed that this added step particularly points out and distinctly claims the subject matter Applicant regards as his invention, and is sufficient to overcome the §112 rejection. As such, independent Claim 16 is in a condition for allowance, and Claims 17-23, which depend from Claim 16, are thus also in a condition for allowance at least on the grounds that they depend from an allowable base claim.

**New Claims 28, 29, and 30**

In addition, newly added independent Claims 28, 29, and 30 are provided so as to recite all of the limitations of examined claim 16 and also additional respective limitations believed sufficient to distinguish over the prior art and to particularly point out and distinctly claim the subject matter which the applicant regards as his invention. Support for Claims 28, 29, and 30 is found throughout the specification, and more particularly at least in paragraphs [0036] and [0037] of the published application. No new matter has been added. As such, merchant records, transaction records, and archive records can be examined to monitor for fraudulent transactions, as is recited in each of the new Claims 28-30.

In particular, newly added independent Claim 28 recites an analyzing step that incorporates use of information related to the generated machine fingerprint and the transaction record to monitor whether the online transaction is fraudulent. As previously discussed in the

Appl. No. : 09/873,339  
Filed : June 5, 2001

Examiner's Interview, it was agreed that this added step particularly points out and distinctly claims the subject matter Applicant regards as his invention, and that independent Claim 28 is sufficient to overcome the §112 rejection. As such, independent Claim 28 is in a position for allowance.

Also, newly added independent Claim 29 recites an examining step that incorporates use of information related to the generated machine fingerprint and the transaction record along with information related to at least one other transaction identification string in order to monitor for possible fraudulent transactions. As previously discussed in the Examiner's Interview, it was agreed that this added step particularly points out and distinctly claims the subject matter Applicant regards as his invention, and that independent Claim 29 overcomes the §112 rejection. As such, independent Claim 29 is in a position for allowance.

Further, newly added independent Claim 30 recites an accessing step that incorporates use of information related to the generated machine fingerprint and transaction identification string along with other machine fingerprints and transaction identification strings in order to monitor for possible fraudulent transactions. As previously discussed in the Examiner's Interview, it was agreed that this added step particularly points out and distinctly claims the subject matter Applicant regards as his invention, and that independent Claim 30 overcomes the §112 rejection. As such, independent Claim 30 is in a condition for allowance.

### **Conclusion**

For all the foregoing reasons, Claims 16-23 and 27-30 are each in a condition for allowance and Applicant earnestly solicits allowance of these claims.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Appl. No. : 09/873,339  
Filed : June 5, 2001

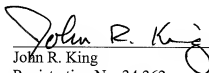
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10-17-07

By:

  
\_\_\_\_\_  
John R. King  
Registration No. 34,362  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

4424733  
101707